IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 20828 of 2003

Between:

Smt.P.Rama Seshu, W/o. C.V.Appa Rao,
A.P.R.P.R.P.School, (APRPRP, Velugu), Suddala at Dharmavaram, Nizamabad, Nizamabad District,
R/o. H.No.1-51-128/3, Near Vishwodaya College, Nizamabad, Nizamabad District.

..... PETITIONER

AND

1.The Project Director, APRPRP, Velugu, Nizamabad, Nizamabad District.
2.The Chairman, A.P.Social Welfare Residential Educational Institutions Society, Nizamabad Dist./The District Collector, Nizamabad District, Nizamabad.
3.The Secretary, A.P.Social Welfare Residential Educational Institutions Society, Masabtank, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the 3rd respondent in Rc.No.Z-VI/RPRP/11158/2003, dated 8-9-2003 removing the petitioner from the post of Principal at APRPRP School, Suddala at Dharmavaram, Nizamabad District and posting her as Junior Lecturer in Telugu, APSWRS/JC, Mananoor, Mahabubnagar District as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice and consequently set aside the same.

Counsel for the Petitioner: Mr.NANDIGAM KRISHANA RAO

Counsel for the Respondents: Mr.VIJAYA BHASKAR MOOLA,

STANDING COUNSEL FOR APSWREIS.

The Court made the following :

ORAL ORDER:

The petitioner questions the order dated 8-9-2003 made by the Secretary, A.P. Social Welfare Residential Educational Institutions Society, Hyderabad, third respondent herein, removing her from Principal-ship of A.P.R.P.R.P.School, Suddapally and posting her as Junior Lecturer (Telugu), A.P.S.W. Residential School/Junior College, Mananoor, Mahbubnagar District. The reasons for removing her from the post of Principal are that she is not performing her duties properly and due to her irresponsible attitude and unbecoming behaviour the school administration has been badly affected and that she also failed to remove the groupism among the staff and the students.

It is stated by the learned counsel for the petitioner that though the petitioner has been transferred by the said order, but it has been passed in violation of principles of natural justice making serious allegations against the petitioner casting a stigma on her conduct which affects her service and future promotions. It is further stated that on administrative grounds transfer can be made, but in this case transfer has been made as a measure of punishment.

In the counter affidavit, it is stated that the post of Principal is a selection post and as regular Principal was not selected, the petitioner has given option to work as In-charge Principal in the newly sanctioned post and, therefore, she was posted as In-charge Principal at A.P.S.W.Residential School, Banswada vide proceedings dated 6-8-1998. While she was working at Banswada as In-charge Principal, she herself made representation to transfer her either to Dharmaram or Nizamabad due to health conditions and on the advice of Doctor, and her request was considered and posted to Pochampadu as Junior Lecturer. Again, by proceedings dated 22-4-2002, she was transferred from Pochampadu to Ramakkapet as there were certain allegations against her. It is further stated in the counter affidavit that during the year 2002, under Rural Poverty Reduction Project (RPRP), 64 schools were started for girls and these schools were to start functioning from the academic year 2002-03. As the petitioner has applied for the post of In-charge Principal, her case was considered and she was posted as In-charge Principal, A.P.S.W.Residential School

(RPRP), Suddapally vide proceedings dated 27-11-2002. While she was working in the said school, a report was submitted by the Assistant Project Manager, Nizamabad stating that she is not properly performing her duties, that due to her irresponsible attitude the school administration has been badly affected, that groups were formed among the students and teachers, that there were misunderstandings and disputes between the teachers and students and that the food served to the students was also substandard. Basing on his report, the Project Director issued a Memo to the petitioner. As her explanation was not convincing, she was removed from the post of In-charge Principal and posted as Junior Lecturer.

As serious allegations are made against the petitioner and the removal of the petitioner from the post of In-charge Principal and transfer to A.P.S.W. Residential School/Junior College, Mananoor as Junior Lecturer (Telugu) is not on administrative grounds, but as a measure of punishment and as the impugned order has been passed without conducting any enquiry and against the principles of natural justice, the same is set aside. However, it is open to the respondents to initiate appropriate disciplinary action against the petitioner in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

24th August, 2004. **(V.ESWARAIAH, J.)**

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To

1.The Project Director, APRPRP, Velugu, Nizamabad, Nizamabad District.
2.The Chairman, A.P.Social Welfare Residential Educational Institutions Society, Nizamabad Dist./The District Collector, Nizamabad District, Nizamabad.
3.The Secretary, A.P.Social Welfare Residential Educational Institutions Society, Masabtank, Hyderabad.

4.Two C.D. copies.